

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES V. RYAN IV, on behalf of himself)
and on behalf of others similarly situated,)
Plaintiffs)
v.) Civil Action No. 05-30017-MAP
)
ROBERT J. GARVEY, and PATRICK J.)
CAHILLANE in their individual capacities,)
Defendants)

)

MOTION FOR CLASS CERTIFICATION

The named plaintiff moves, pursuant to Fed.R.Civ.P. 23(a) that this action be certified as a class action under Fed.R.Civ.P. 23(b)(3) for all people who were illegally strip searched at the Hampshire Jail and House of Correction ("Jail") from January 18, 2002 to November 7, 2002, under a policy of conducting strip searches without evaluating for individualized reasonable suspicion:

- (1) while waiting for bail to be set or for a first court appearance after being arrested on charges that did not involve a weapon or drugs or contraband or a violent felony; or
- (2) while waiting for a first court appearance after being arrested on a default or other warrant (for example, those issued by the State Parole Board) on charges that did not involve a weapon or drugs or contraband or a violent felony; or
- (3) while held as a witness; or
- (4) while held after a finding of civil contempt of court for failure to pay child or spousal support, a judgment, or a fine.

In support of the motion, plaintiff relies on the accompanying memorandum and attachments.

WHEREFORE, plaintiff moves this Court to certify this case as a class action pursuant to Fed. R. Civ. P. 23(b)(3).

RESPECTFULLY SUBMITTED,
For the plaintiffs,

/s/ Howard Friedman

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